

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

DOUGLAS E. MCPHAIL, )  
Plaintiff )  
 )  
v. )  
 )  
A GOODNIGHT SLEEPSTORE, )  
and AMERICAN GENERAL )  
FINANCIAL SERVICES, INC., )  
Defendants )

**JUDGMENT**

No. 5:09-CV-451-H2

**Decision by Court.**

**This case came before the Honorable Malcolm J. Howard, Senior United States District Judge for consideration of defendant's motion to dismiss and plaintiff's motion for partial summary judgment.**

**IT IS ORDERED, ADJUDGED AND DECREED the court grants defendant's motion and dismisses this action in its entirety. Plaintiff's motion for partial summary judgment is dismissed as moot and this case is closed.**

This Judgment Filed and Entered on February 8, 2011 with service on:

Douglas E. McPhail (Via U.S. Mail), 615 Kellam Circle, Fayetteville, NC 28311  
Canon Pence (via cm/ecf Notice of Electronic Filing)  
Megan E. Miller (via cm/ecf Notice of Electronic Filing)

Date: February 8, 2011

DENNIS P. IAVARONE, CLERK  
/s/ Delsia Heath  
(By): Delsia Heath, Deputy Clerk

